

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAURICE SEYMORE,

Plaintiff,

11 Civ. 2254 (JGK)

- against -

MEMORANDUM OPINION AND
ORDER

CITY OF NEW YORK ET AL.,

Defendant.

JOHN G. KOELTL, District Judge:

The plaintiff's time to file his Second Amended Complaint shall be extended until **January 18, 2013**. The time for all defendants to move or answer the plaintiff's Second Amended Complaint is stayed until **March 1, 2013**.

The petitioner has also moved for the appointment of pro bono counsel. The Court of Appeals for the Second Circuit has articulated factors that should guide the Court's discretion to appoint counsel to represent an indigent civil litigant under 28 U.S.C. § 1915. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). For the Court to order the appointment of counsel, the petitioner must, as a threshold matter, demonstrate that his claim has substance or a likelihood of success on the merits. See Hodge, 802 F.2d at 60-61. Only then can the Court consider the other factors appropriate to determination of whether counsel should be appointed: "plaintiff's ability to

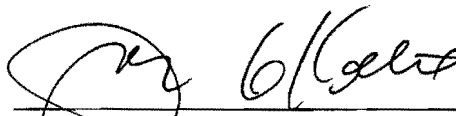
obtain representation independently, and his ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity."

Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989). The plaintiff has not yet made such a showing.

The plaintiff's application for the Court to appoint counsel is therefore **denied without prejudice** for failure to make the required showing at this time.

SO ORDERED.

Dated: New York, New York
November 15, 2012



John G. Koeltl
United States District Judge